

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

In re:	§	Chapter 11
	§	
BRIGGS & STRATTON	§	Case No. 20-43597-399
CORPORATION, <i>et al.</i> ,	§	
	§	(Jointly Administered)
Debtors.	§	
	§	Related Docket No. 1163
	§	

STIPULATION AND CONSENT ORDER
GRANTING PARTIAL RELIEF FROM THE AUTOMATIC STAY

Briggs & Stratton Corporation and its debtor affiliates in the above-captioned chapter 11 cases, as debtors and debtors in possession (collectively, the “**Debtors**”), and Krista “Danyale” Ward and Joseph Ward (together, “**Ward**” and together with the Debtors, the “**Parties**” and, each, a “**Party**”), by and through their respective counsel, hereby enter into this stipulation (the “**Stipulation**”), and represent, agree, and request the court to so order as follows:

A. On July 20, 2020, the Debtors each commenced with this Court a voluntary case under title 11 of the United States Code (the “**Bankruptcy Code**”). The Debtors are authorized to continue to operate their business and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. On August 5, 2020, the United States Trustee appointed an official committee of unsecured creditors in these chapter 11 cases pursuant to section 1102 of the Bankruptcy Code. No trustee or examiner has been appointed in these chapter 11 cases. The Debtors’ chapter 11 cases are being jointly administered for procedural purposes only pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure and Rule 1015(b) of the Local Rules of Bankruptcy Procedure for the Eastern District of Missouri.

B. Pursuant to section 362(d)(1) of the Bankruptcy Code, the filing of the

Debtors' bankruptcy petitions operates as a stay (the "**Automatic Stay**") of any actions or proceedings against the Debtors.

C. On June 21, 2019, Ward filed a product liability action against Briggs & Stratton Corporation ("**Debtor B&S**") and other defendants in the Circuit Court of the Fifth Judicial Circuit in and for Marion County, Florida, captioned *Ward v. Nilfisk, Inc.*, Case No. 2019-CA-001352 (the "**State Court Action**"), asserting various injuries resulting from a September 26, 2018 explosion involving a fuel containment system, which Ward alleges was, in whole or in part, manufactured, designed, and placed into the stream of commerce by Debtor B&S.

D. On September 10, 2020, Krista "Danyale" Ward and Joseph Ward each filed proofs of claims (Claim Nos. 466 and 468, respectively) against Debtor B&S in the amount of \$10,000,000.00 related to the State Court Action (together, the "**Ward POC**").

E. On October 27, 2020, Ward filed its *Notice of Hearing and Motion for Relief from Automatic Stay* [Docket No. 1163] (the "**Motion**"), seeking relief from the Automatic Stay to continue the State Court Action against Debtor B&S and recover from the Debtors' insurance policies.

F. The Parties have agreed, subject to approval of the Court, to resolve the Motion, subject to the terms and conditions set forth below.

IT IS HEREBY ORDERED, STIPULATED, AND ADJUDGED AS FOLLOWS:

1. This Stipulation shall be effective and binding immediately upon entry of the Stipulation by the Court (the "**Effective Date**").

2. From and after the Effective Date, the Automatic Stay shall be modified solely to the extent necessary to permit the Debtors to provide Ward with information related to the Debtors' insurance coverage applicable to the claims asserted in the State Court Action, including a

copy of the applicable insurance policies. The Debtors shall provide such information and documentation within ten (10) days of the entry of this Stipulation.

3. Upon the Effective Date, the Motion shall be deemed resolved.

4. This Stipulation shall constitute the entire agreement and understanding of the Parties relating to the subject matter hereof and supersedes all prior agreements and understandings relating to the subject matter hereof. No representations have been made or relied upon by the parties, except as set forth herein. The Debtors expressly reserve any and all claims, defenses, and rights, at law and at equity, that they may have in response to the State Court Action and Ward POC without prejudice whatsoever. For the avoidance of doubt, the rights of the Debtors and any other party in interest to object to the Ward POC are expressly preserved.

5. This Stipulation may not be modified other than by a signed writing executed by the Parties hereto or by further order of the Court.

6. Each person who executes this Stipulation on behalf of a party hereto represents that he or she is duly authorized to execute this Stipulation on behalf of such party.

7. The Debtors are authorized to execute, deliver, implement, and fully perform any and all obligations, instruments and papers and to take any and all actions reasonably necessary or appropriate to perform any and all of the Debtors' obligations set forth in, or contemplated by, the Stipulation.


8. The Stipulation and all of the provisions hereof shall be binding upon and shall insure to the benefit of all Parties, and each of their respective successors or assigns.

9. The Debtors shall serve a copy of this Stipulation no later than two (2) business days after the date of its entry. The Debtors shall also file a certificate of service within

twenty-four (24) hours of making service of this Stipulation.

DATED: November 16, 2020
St. Louis, Missouri

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Barry S. Schermer
United States Bankruptcy Judge

SO STIPULATED:

By: /s/ G. Clay Morris
Date: November 13, 2020

By: /s/ Ronit J. Berkovich
Date: November 13, 2020

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